

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Leek offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (4) through (30) of section 774.203, Florida Statutes, are renumbered as subsections (5) through (31), respectively, present subsections (31) and (32) are renumbered as subsections (33) and (34), respectively, and new subsections (4) and (32) are added to that section to read:

(4) "Asbestos trust" means a government-approved or court-approved trust, qualified settlement fund, compensation fund, or claims facility that is created as a result of an administrative or legal action, a court-approved bankruptcy, or under 11 U.S.C.

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14 524(g), 11 U.S.C. 1121(a), or other applicable provision of
15 federal law, and is intended to provide compensation to
16 claimants arising out of, based on, or related to the health
17 effects of exposure to asbestos.

18 (32) "Trust claims material" means any final executed
19 proof of claim and any other document or information submitted
20 to or received from an asbestos trust, including a claim form or
21 supplementary material, affidavit, deposition or trial
22 testimony, work history, exposure allegation, medical or health
23 record, or document reflecting the status of a claim against an
24 asbestos trust and, if the trust claim has settled, any document
25 relating to the settlement of the trust claim.

26 Section 2. Section 774.2055, Florida Statutes, is created
27 to read:

28 774.2055 Asbestos trust claims disclosures.-

29 (1) Not fewer than 120 days before the trial of an
30 asbestos claim as defined in s. 774.203, a plaintiff must file
31 all asbestos trust claims that the plaintiff is eligible to
32 file, produce all trust claims materials to the parties, and
33 provide the court with a certification signed by the plaintiff's
34 counsel attesting that the plaintiff has filed all asbestos
35 trust claims that the plaintiff is eligible to file. A plaintiff
36 has a continuing duty to supplement this information through the
37 end of trial. The court shall provide each defendant a
38 reasonable amount of time to challenge the adequacy of the

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39 plaintiff's submissions. If a court finds that the plaintiff's
40 trust claim submissions are incomplete, the court shall deem the
41 exposures underlying the asbestos trust claim or all claims in
42 question admitted for purposes of apportioning liability for the
43 asbestos claim.

44 (2) A defendant in an asbestos claim may seek discovery
45 from an asbestos trust. The plaintiff may not claim privilege or
46 confidentiality to bar discovery and shall provide consent or
47 other expression of permission that may be required by the
48 asbestos trust to release the information and materials sought
49 by the defendant.

50 (3) Asbestos trust claims materials are presumed to be
51 relevant and authentic, and are admissible in evidence. No claim
52 of privilege applies to asbestos trust claims materials or trust
53 governance documents.

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

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57 **T I T L E A M E N D M E N T**

58 Remove everything before the enacting clause and insert:

59 A bill to be entitled

60 An act relating to asbestos trust claims; amending s.
61 774.203, F.S.; defining terms related to asbestos
62 trusts; creating s. 774.2055, F.S.; requiring a
63 plaintiff to provide certain materials within a

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64 specified time before the trial of an asbestos claim;
65 requiring the plaintiff to supplement such materials
66 through a specified period; specifying the timeframe
67 within which a defendant may challenge the plaintiff's
68 submissions; granting a court authority to deem
69 certain exposures or claims admitted for specified
70 purposes; authorizing a defendant to seek discovery
71 from an asbestos trust; establishing certain
72 presumptions related to asbestos trust claims
73 materials for certain court purposes; prohibiting a
74 claim of privilege from applying to asbestos trust
75 claims materials; providing an effective date.

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