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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/RM

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03/13/2020 03:42 PM

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Senator Torres moved the following:

1 **Senate Amendment to House Amendment (838709) (with title**
2 **amendment)**

3
4 Delete lines 4 - 16

5 and insert:

6 Remove lines 42-73 and insert:

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

11 (3) A plaintiff must supplement the information required



361960

12 under subsection (2) within 30 days after the plaintiff files an
13 additional asbestos trust claim, supplements an existing
14 asbestos trust claim, or receives additional information related
15 to an asbestos trust claim.

16 (4) A defendant in an asbestos claim may seek discovery
17 from an asbestos trust. The plaintiff may not claim privilege or
18 confidentiality to bar discovery and shall provide consent or
19 other expression of permission that may be required by the
20 asbestos trust to release the information sought by the
21 defendant.

22 (5) Asbestos trust claim materials are admissible in
23 evidence only to the extent permissible under the Florida
24 Evidence Code.

25 (6) If a plaintiff files an asbestos trust claim after the
26 plaintiff obtains a judgment in an asbestos claim and before
27 satisfaction of the judgment, and the asbestos trust was in
28 existence at the time of the judgment, the trial court, upon
29 motion by a defendant, may only adjust the judgment by the
30 amount of any payments obtained by the plaintiff as a result of
31 such after-filed claim to the extent permissible under Florida
32 law.

33 (7) This section does not apply to a plaintiff who is a
34 veteran as defined in s. 1.01(14) or a current or former
35 servicemember of the Armed Forces as defined in s. 250.01.

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete lines 20 - 23

40 and insert:



361960

41 Remove lines 4-16 and insert:
42 who files an asbestos claim to provide certain
43 information to the parties of the action within a
44 specified timeframe; requiring the plaintiff to
45 supplement the information and materials under certain
46 circumstances within a specified timeframe;
47 authorizing the defendant to seek discovery from an
48 asbestos trust; prohibiting the plaintiff from
49 claiming privilege or confidentiality to bar discovery
50 of such materials; providing that asbestos trust claim
51 materials are admissible in evidence under certain
52 circumstances; providing for the adjustment of a
53 judgment under certain circumstances; exempting
54 certain plaintiffs from the asbestos trust claims
55 disclosure requirements; providing an effective date.