

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Civil Justice Subcommittee
 2 Representative Fabricio offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) of section 774.205, Florida
 7 Statutes, is amended, and subsections (4), (5), and (6) are
 8 added to that section to read:

9 774.205 Claimant proceedings.-

10 (3) Within 30 days after filing an asbestos or a silica
 11 claim in this state, the claimant must ~~All asbestos claims and~~
 12 ~~silica claims filed in this state on or after the effective date~~
 13 ~~of this act must include,~~ in addition to the written report
 14 described in subsection (2) and the information required by s.
 15 774.207(2), file a sworn information form specifying the

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16 evidence that provides the basis for each claim against each
17 defendant and containing all of the following information:

18 (a) The ~~claimant's~~ name, address, date of birth, and
19 marital status, occupation, smoking history, current and past
20 worksites, and current and past employers of the exposed person
21 and any person through whom the exposed person alleges exposure
22 to asbestos or silica.

23 (b) The name, address, and relationship to the exposed
24 person for each person who is knowledgeable regarding the
25 exposed person's exposures to asbestos or silica.

26 (c) The identity of the manufacturer or seller and
27 specific name of each asbestos-containing product or silica-
28 related product, including, but not limited to, all brand and
29 trade names of the asbestos-containing or silica-related
30 product, to which the exposed person was exposed or the other
31 person was exposed if exposure was through another person.

32 (d) For each product identified under paragraph (c), each
33 site and the specific location at each site, including the
34 address of each site, at which the exposed person was exposed to
35 asbestos or silica or the other person was exposed if exposure
36 was through another person.

37 (e) The beginning and ending dates of each exposure, the
38 specific manner of each exposure, the frequency and length of
39 time of each exposure, and the proximity of the product or its

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40 use to the exposed person and each person through whom the
41 exposed person alleges exposure to asbestos or silica.

42 (f) The specific condition related to asbestos or silica
43 claimed to exist.

44 (g) Any supporting documentation relating to the
45 information required under this section.

46 (4) The court, upon motion by a defendant, shall dismiss a
47 plaintiff's asbestos or silica claim without prejudice as to any
48 defendant whose product or premises is not specifically
49 identified in the sworn information form under subsection (3).

50 (5) The court, upon motion by a defendant, shall dismiss a
51 claimant's asbestos or silica claim without prejudice as to the
52 moving defendant or as to all defendants, as applicable, if the
53 claimant fails to comply with this section.

54 (6) The sworn information form required by subsection (3)
55 is inadmissible at trial.

56 ~~(b) If the claimant alleges exposure to asbestos or silica~~
57 ~~through the testimony of another person or alleges other than~~
58 ~~direct or bystander exposure to a product, the name, address,~~
59 ~~date of birth, and marital status for each person by which the~~
60 ~~claimant alleges exposure, hereinafter the "index person," and~~
61 ~~the claimant's relationship to each such person;~~

62 ~~(c) The specific location of each alleged exposure;~~

63 ~~(d) The beginning and ending dates of each alleged~~
64 ~~exposure as to each asbestos product or silica product for each~~

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Published On: 4/3/2023 5:55:05 PM

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65 ~~location at which exposure allegedly took place for the~~
66 ~~plaintiff and each index person;~~

67 ~~(e) The occupation and name of the employer of the exposed~~
68 ~~person at the time of each alleged exposure;~~

69 ~~(f) The specific condition related to asbestos or silica~~
70 ~~claimed to exist; and~~

71 ~~(g) Any supporting documentation of the condition claimed~~
72 ~~to exist.~~

73 Section 2. This act shall take effect July 1, 2023.

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

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Remove everything before the enacting clause and insert:

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An act relating to asbestos and silica claims; amending s.

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774.205, F.S.; requiring a claimant to file a sworn information

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form containing certain information within a certain time period

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after filing an asbestos or silica claim; authorizing a court to

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dismiss certain claims upon a motion by a defendant; providing

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an effective date.