

HB 755

2023

1 A bill to be entitled
2 An act relating to asbestos and silica claims;
3 amending s. 774.205, F.S.; requiring a claimant to
4 file a sworn information form containing certain
5 information within a certain time period after filing
6 an asbestos or silica claim; authorizing a court to
7 dismiss certain claims upon a motion by a defendant;
8 amending s. 774.209, F.S.; providing that certain
9 defendants are not liable for certain asbestos or
10 silica exposures; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (3) of section 774.205, Florida
15 Statutes, is amended and paragraphs (4) and (5) are added to
16 that section to read:

17 774.205 Claimant proceedings.—

18 (3) Within 30 days after filing an asbestos or a silica
19 claim in this state, the claimant must ~~All asbestos claims and~~
20 ~~silica claims filed in this state on or after the effective date~~
21 ~~of this act must include,~~ in addition to the written report
22 described in subsection (2) and the information required by s.
23 774.207(2), file a sworn information form specifying the
24 evidence that provides the basis for each claim against each
25 defendant and containing all of the following information:

26 (a) The ~~claimant's~~ name, address, date of birth, ~~and~~
27 marital status, occupation, smoking history, current and past
28 worksites, and current and past employers of the exposed person
29 and any person through whom the exposed person alleges exposure
30 to asbestos or silica.

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

34 (c) The identity of the manufacturer or seller and
35 specific name of each asbestos-containing product or silica-
36 related product, including, but not limited to, all brand and
37 trade names of the asbestos-containing or silica-related
38 product, to which the exposed person was exposed or the other
39 person was exposed if exposure was through another person.

40 (d) For each product identified under paragraph (c), each
41 site and the specific location at each site, including the
42 address of each site, at which the exposed person was exposed to
43 asbestos or silica or the other person was exposed if exposure
44 was through another person.

45 (e) The beginning and ending dates of each exposure, the
46 specific manner of each exposure, the frequency and length of
47 time of each exposure, and the proximity of the product or its
48 use to the exposed person and each person through whom the
49 exposed person alleges exposure to asbestos or silica.

50 (f) The specific condition related to asbestos or silica

51 claimed to exist.

52 (g) Any supporting documentation relating to the
 53 information required under this section.

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

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

62 ~~(b) If the claimant alleges exposure to asbestos or silica~~
 63 ~~through the testimony of another person or alleges other than~~
 64 ~~direct or bystander exposure to a product, the name, address,~~
 65 ~~date of birth, and marital status for each person by which the~~
 66 ~~claimant alleges exposure, hereinafter the "index person," and~~
 67 ~~the claimant's relationship to each such person;~~

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

69 ~~(d) The beginning and ending dates of each alleged~~
 70 ~~exposure as to each asbestos product or silica product for each~~
 71 ~~location at which exposure allegedly took place for the~~
 72 ~~plaintiff and each index person;~~

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

75 ~~(f) The specific condition related to asbestos or silica~~

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76 | ~~elaimed to exist; and~~

77 | ~~(g) Any supporting documentation of the condition claimed~~
78 | ~~to exist.~~

79 | Section 2. Subsections (1) through (5) of section 774.209,
80 | Florida Statutes, are renumbered as subsections (2) through (6),
81 | respectively, and a new subsection (1) is added to that section,
82 | to read:

83 | 774.209 Miscellaneous provisions.—

84 | (1) A product liability defendant in a civil action
85 | alleging an asbestos or a silica claim is not liable for an
86 | exposure from a later-added product manufactured, distributed,
87 | or sold by a third party.

88 | Section 3. This act shall take effect July 1, 2023.