

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           providing that the sworn information form is  
 9           inadmissible at trial; providing an effective date.

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

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

16           774.205 Claimant proceedings.—

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

25           (a) The ~~claimant's~~ name, address, date of birth, and

26 marital status, occupation, smoking history, current and past  
27 worksites, and current and past employers of the exposed person  
28 and any person through whom the exposed person alleges exposure  
29 to asbestos or silica.

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

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

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

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

49 (f) The specific condition related to asbestos or silica  
50 claimed to exist.

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

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

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

61 (6) The sworn information form required under subsection  
 62 (3) is inadmissible at trial.

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

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

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

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

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

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

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