

1                                   A bill to be entitled  
 2           An act relating to asbestos and silica claims;  
 3           amending s. 774.205, F.S.; revising the information  
 4           required to be included in a sworn information form  
 5           for asbestos or silica claims filed after a specified  
 6           date; specifying that such a form is inadmissible in  
 7           evidence at trial; requiring courts to dismiss certain  
 8           claims upon a motion by a defendant; requiring motions  
 9           to dismiss to include certain certifications;  
 10          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 subsection (4) is added to that  
 16 section, to read:

17           774.205 Claimant proceedings.—

18           (3) All asbestos claims and silica claims filed in this  
 19 state on or after July 1, 2024, ~~the effective date of this act~~  
 20 must include, in addition to the written report described in  
 21 subsection (2) and the information required by s. 774.207(2), a  
 22 sworn information form.

23           (a) The sworn information form must specify the evidence  
 24 that provides the basis for each claim against each defendant  
 25 and must contain all of ~~containing~~ the following information:

26        1.(a) The exposed person's claimant's name, address, date  
27 of birth, ~~and~~ marital status, and smoking history, and the name  
28 and address of each person who is knowledgeable regarding the  
29 exposed person's exposure to asbestos or silica.†

30        2.(b) If the exposed person claimant alleges exposure to  
31 asbestos or silica through the testimony of another person or  
32 alleges other than direct or bystander exposure to a product,  
33 the name, address, date of birth, and marital status for each  
34 person by which the exposed person claimant alleges exposure,  
35 hereinafter the "index person," and the exposed person's  
36 claimant's relationship to each such person.†

37        3.(e) The specific type of product, such as insulation,  
38 asbestos fiber, or an automotive friction product, and specific  
39 location of each alleged exposure for each defendant.†

40        4.(d) The beginning and ending dates of each alleged  
41 exposure as to each asbestos product or silica product for each  
42 location at which exposure allegedly took place for the exposed  
43 person plaintiff and each index person.†

44        5.(e) The occupation and ~~name of the~~ employer of the  
45 exposed person and each index person at the time of each alleged  
46 exposure.†

47        6.(f) The specific condition related to asbestos or silica  
48 claimed to exist.† ~~and~~

49        7.(g) Any supporting documentation of the condition  
50 claimed to exist in the possession of the claimant at the time

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51 the sworn information form is filed.

52 (b) The sworn information form is inadmissible in evidence  
53 at trial and may not be relied upon by a witness, including an  
54 expert witness, at trial.

55 (4) (a) A court, upon motion by a defendant, shall dismiss  
56 a claimant's asbestos or silica claim without prejudice as to:

57 1. Any defendant whose product or premises is not  
58 specifically identified in the sworn information form submitted  
59 pursuant to subsection (3); and

60 2. The moving defendant or all defendants, as applicable,  
61 if the claimant fails to comply with this section.

62 (b) The motion to dismiss must include a certification  
63 that the movant, in good faith, has conferred or attempted to  
64 confer with the claimant's counsel or the self-represented  
65 claimant, as applicable, to have the challenged claim dismissed  
66 or to have the challenged sworn information form appropriately  
67 corrected without court action.

68 Section 2. This act shall take effect July 1, 2024.