

By Senator Hutson

7-01355-24

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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:

13  
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.

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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.~~(c)~~ The specific product and specific location of each  
38 alleged exposure for each defendant.~~†~~

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

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

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

48 7.~~(g)~~ Any supporting documentation of the condition claimed  
49 to exist.

50 (b) The sworn information form is inadmissible in evidence  
51 at trial.

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

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

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

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

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